

## **REMARKS**

### **I. Status of Claims**

The Non-final Office Action dated August 18, 2005 rejected claims 1-8, 11, 12 and 19-26. Claims 3-5, 20, 24, and 26 have been canceled and new claims 27-32 have been added. Claims 1, 2, 6-8, 11, 12, 19, 21-23, 25, and 27-32 are now pending. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

### **II. Rejections under 35 U.S.C. §103(a)**

Claims 1-7 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Badovinat *et al.*, U.S. Patent No. 5,793,962 (hereinafter "Badovinat"), in view of Harriman *et al.*, U.S. Patent No. 6,226,687 (hereinafter "Harriman"). In view of the above amendments, this rejection is respectfully traversed.

In regards to claim 1, the combination of Badovinat and Harriman fails to disclose generating the first, second, and third unique version numbers from an indicator that increments version numbers. The first and second assigned unique version numbers correspond to operation requests, and the third assigned unique version number corresponds to an operation order. The combination of Badovinat and Harriman does not teach or suggest that unique version numbers are generated from an indicator that increments unique version numbers for operation requests that are received and for operation orders that are created. Therefore, the combination of Badovinat and Harriman fails to disclosed the claimed invention.

Claims 2, 19, and 30 depend from claim 1 and therefore define over the art of record for at least the reasons set forth with respect to claim 1. Accordingly, claims 2, 19, and 30 are allowable by virtue of their dependence on claim 1.

Claim 6 is a computer-readable medium claim that includes features analogous to those set forth above with respect to claim 1 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 1. Claims 21 and 31 depend from claim 6 and therefore define over the art of record for at least the reasons set forth with respect to claim 6. Accordingly, claims 21 and 31 are allowable by virtue of their dependence on claim 6.

Claim 7 is a computer system claim that includes features analogous to those set forth above with respect to claim 1 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 1. Claims 22 and 32 depend from claim 7 and therefore define over the art of record for at least the reasons set forth with respect to claim 7. Accordingly, claims 22 and 32 are allowable by virtue of their dependence on claim 7.

Claims 8, 11, 12, and 23-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Badovintz, in view of Miller, U.S. Patent Publication No. 2002/0073153 (hereinafter "Miller"). This rejection is respectfully traversed.

In regards to claim 8, the combination of Badovintz and Miller fails to disclose queuing the operation order until the first assigned unique version number is next in the sequence of version numbers processed by the at least one non-host peer. The Office Action alleges that Miller teaches this limitation, however, the applicant respectfully disagrees. Miller does not teach a message queue that stores messages in sequential order of version numbers. Miller teaches a message queue through which all messages are passed. The types of messages that are passed through the messages queue taught by Miller are messages related to requests for protocols, acknowledgement messages, and messages related to resource requests. These types of messages are placed in a queue when a member is waiting for a resource. However, Miller

does not disclose that these types of messages are placed in the queue in a sequential order based on unique version numbers assigned to each type of message. Therefore, the combination of Badovinatz and Miller fails to disclose the claimed invention.

Claims 23 and 27 depend from claim 8 and therefore define over the art of record for at least the reasons set forth with respect to claim 8. Accordingly, claims 23 and 27 are allowable by virtue of their dependence on claim 8.

Claim 11 is a computer-readable medium claim that includes features analogous to those set forth above with respect to claim 8 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 8. Claims 25 and 28 depend from claim 11 and therefore defines over the art of record for at least the reasons set forth with respect to claim 11. Accordingly, claims 25 and 28 are allowable by virtue of their dependence on claim 11.

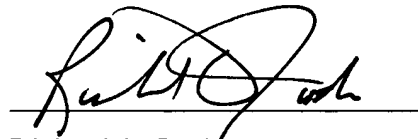
Claim 12 is a computer system claim that includes features analogous to those set forth above with respect to claim 8 and therefore defines over the art of record for at least the reasons set forth above with respect to claim 8. Claim 29 depends from claim 12 and therefore defines over the art of record for at least the reasons set forth with respect to claim 12. Accordingly, claim 29 is allowable by virtue of its dependence on claim 12.

### **III. Conclusion**

Applicants respectfully submit that the section 103(a) rejections have been overcome and claims 1, 2, 6-8, 11, 12 and 19-29 are now in condition for allowance. Allowance of all pending claims is respectfully requested. However, if the Examiner believes that any issues remain, he should feel free to contact the undersigned at the telephone number below. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.81824.

Respectfully submitted,

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